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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,570	12/28/2001	James P. Campbell	2001-120-TAP	1548

7590

07/18/2003

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EXAMINER

TRAN, KHOI H

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 07/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,570

Applicant(s)

CAMPBELL ET AL.

Examiner

Khoi H Tran

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

KHOI H. TRAN
PRIMARY EXAMINER

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Toumbas 5,940,356.

Toumbas '356 discloses a method for expanding a storage library having media players and horizontally moving robots per claimed invention. The method comprises increasing the library in all three dimensions by increasing the width, length, and vertical dimension of the horizontal storage cell array (Figures 1-64).

3. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Tadokoro et al. 6,166,877.

Tadokoro '877 discloses a method for expanding a storage library having media players and horizontally moving robots per claimed invention. The method comprises increasing the library size by increasing the width and length dimensions of the horizontal storage cell array (Figures 13-19).

4. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by dang et al. 5,663,938.

Dang '938 discloses a method for expanding a storage library having media players and horizontally moving robots per claimed invention. The method comprises increasing the library in all three dimensions by increasing the width, length, and vertical dimension of the horizontal storage cell array (Figures 1-4, 6-8, and 18A-18D)

5. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Luffel et al. 6,222,699

Luffel '699 discloses a method for expanding a storage library having media players and horizontally moving robots per claimed invention. The method comprises increasing the library in all three dimensions by increasing the width, length, and vertical dimension of the horizontal storage cell array (Figures 1-9).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tadokoro et al. 6,166,877.

Tadokoro '877 discloses all elements per claimed invention as explained in paragraph 3 above. However, it is silent as to the method step of increasing the library size vertically by stacking additional storage cells.

Nevertheless, it would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have stacked additional media modules and/or storage cells on top of Tadokoro's existing module(s) because it facilitates the expansion of the library in the vertical dimension.

8. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. 6,515,822.

White '822 discloses of an electronic media library having storage cells arranged in a horizontal plane, at least one media player, and at least one robot mechanism for moving the media. White discloses a method step of expanding the library by stacking additional horizontal storage cell modules on top of existing module(s). However, White is silent the specifics of increasing the width and length of the library.

Nevertheless, it would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have attached additional media modules to the sides and back of White '822 existing stacked module(s) because it facilitates the expansion of the library in the width and length dimension.

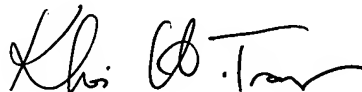
Conclusion

9. Additional references made of record and not relied upon are considered to be of interest to applicant's disclosure: see attached USPTO form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H Tran whose telephone number is (703) 308-1113. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (703) 308-1113. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and 7033057687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Khoi H Tran
Primary Examiner
Art Unit 3651

KHT
July 16, 2003